

MINUTES OF THE HOUSTON COUNTY COMMISSION
JANUARY 12, 2009

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Bobby R. Snellgrove, Commissioner Frances M. Cook, Commissioner Phillip L. Forrester, Gary Sherrer, Attorney, Mark Pool, Engineer, and Bill Dempsey, Chief Administrative Officer

ABSENT: None

Chairman Mark Culver called the 10:00 A.M. meeting to order, declared a quorum was present, and welcomed everyone. Rev. Tommy R. Davis, Pastor, New Miranda Baptist Church, gave the invocation. Commissioner Curtis Harvey led in the Pledge of Allegiance.

Commissioner Harvey made a motion to approve the minutes of the last meeting. Commissioner Cook seconded the motion; and it carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver reported that about 2-3 years ago, the Revenue Commissioner's office put access to mapping and property records on the website. He stated it has been one of the best things that Revenue Commissioner Matthews and the county commission have done. He pointed out they have received so many positive comments. The chairman reported about two months ago, the decision was made to take it over in-house. He pointed out they are going through some issues with the server and he asked the public, realtors, evaluators, bankers and anyone else who uses the site to be please be patient. The chairman reported the web site will be down January 20th thru January 23rd, in order to make the upgrades and enhancements.

Chairman Culver reminded everyone that Monday, January 19th, the county offices would be closed in observance of Martin Luther King Day. He pointed out the federal, state, and city offices will be closed also as well as the banks. Chairman Culver encouraged everyone who felt compelled to take part in activities to do so. He reported Tuesday, January 20th, the new President will be inaugurated.

Chairman Culver reported on Thursday, the commission discussed the Sheriff's request to use a portion of the basement at the courthouse for a fitness center for his employees. He stated the commission had a couple of questions, and due to something else going on, the Sheriff was unable to attend the meeting. He reported the commission had stated the item would be tabled for two weeks. The chairman reported the Sheriff was present and he had asked that the item be placed on the agenda. Chairman Culver then asked the commission if there were any objections to placing it on the agenda? There were none, and the chairman stated it would be Item #9.

Awards and Presentations

1. Annual Financial Report – Bill Dempsey, Chief Administrative Officer

Mr. Bill Dempsey, Chief Administrative Officer, presented the Annual Financial Report. He reviewed the Highlights, the Revenue and Expense Overview, the Fund Balances, and the Long Term Debt Summary. He stated all the details the commission would need could be found in their book, and he then gave a brief overview. He stated it had been a busy year and a lot of positive things had happened.

Mr. Dempsey reported the total revenues were \$48 million, which is made up of \$36 million in revenues that come through normal sources plus the revenues coming in from the sale of general funds and last year the bonds for a total of \$48 million. He pointed out the total spending was \$48 million which includes not only the normal spending through Road and Bridge and other areas but it also includes spending from bond proceeds as well as from some other special accounts such as the Law Library, etc. Mr. Dempsey reported the total fund balance is approximately \$9.4 million. He stated total assets and funds for the county are \$88 million.

He reported the total General Fund balances are \$3,731,000 and total Road & Bridge Fund balance is \$3 million and other funds that are included in the budget are \$7.5 million in the budgeted fund balance to begin the year. Mr. Dempsey reported they are projecting the number to be approximately \$4 million on a budget basis at the end of this year. He stated in addition, they have some bond proceeds as of October 1st, that were \$1.2 million and the number has changed a little bit and it is around \$1,170,000 at the present time. Mr. Dempsey reported they have some other miscellaneous funds such as the Law Library and some others for a total Fund Balance of \$914 million.

Mr. Dempsey then reviewed the county's long term debt, and how it lines up year after year. He stated the total outstanding bonds for 2004 & 2008 is \$39.9 million. Mr. Dempsey showed the debt is approximately \$3.3 million for several years to come. He stated there are 3 years remaining on the Industrial Park at approximately \$52,000.00 per year. Mr. Dempsey pointed out there is \$1.4 million in outstanding leases plus \$1,141,000. He reported in 2009/2010 the county is going to pick up another lease which will be a garbage truck. Mr. Dempsey reported the lease will be initiated in January and they will begin payment in 2009/2010. He stated the county's total long term debt is \$42,631,000, which is made up of \$32.8 million in principal and approximately \$9.8 million in interest.

Chairman Culver thanked Mr. Dempsey for a good report. (Please see attached in Minute Book)

Consent Agenda

1. Re-appointment – SE Alabama Regional, Planning and Development Commission's Revolving Loan Fund Board – Mr. Sid Timbie

2. Request to award bids on herbicides, sign making materials, signs, bituminous coated roadway drainage pipe, hot plant mix, and thermoplastic pavement marking material.

Commissioner Forrester made a motion to approve the Consent Agenda to include the re-appointment of Mr. Sid Timbie to the SE Alabama Regional Planning and Development Commission's Revolving Loan Fund Board, and to award bids on herbicides, sign making materials, signs, bituminous coated roadway drainage pipe, hot plant mix, and thermoplastic pavement marking material to the lowest bidder meeting specs in each category. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached Bid Summary Sheets in Minute Book)

Regular Agenda

1. Request to approve legislation increasing court costs in Houston County.

Commissioner Cook made a motion to approve legislation increasing court costs in Houston County. Commissioner Forrester seconded the motion.

Chairman Culver reported they discussed on Thursday that the bill has been significantly cut down from where they started the process. He stated there were concerns relative to the amount and the impact it would have. The chairman reported it was around \$40.00 and it has been cut in half to \$20.00. He stated the effective date will be the first day of the third month following its passage and approval by the Governor. Chairman Culver reported they were hoping by moving it back a little further the economy would be better. He stated there was \$10.00 included in the bill to go toward the operation of the Jail, \$1.00 for the Circuit Clerk, and \$9.00 for the District Attorney's office. He reported the court costs will be paid by those who are being found guilty of various things or have either filed court cases. The chairman reported it is not a general assessment of taxes like sales tax, property tax, etc. He stated it is an area to generate some revenue that is specifically being used for an item that is paid by the generation of the fee.

He reported there were some people who wanted to address the commission. He asked that they state their name and address. The chairman reported each person had 5 minutes for discussion, and he asked that they be sure to address the commission.

Mr. Malcolm Black, a resident of Dothan, expressed his opposition to raising the fees and court costs. He stated he thought it was the wrong time to be increasing any fees in government with the economy in such bad shape. Mr. Black stated the jail population would increase, and the county would be creating a debtor's prison. Mr. Black reported some people might commit crimes in order to be locked up and assured they would have food, clothes, healthcare, and a place to sleep. He also encouraged the county to do more to rehabilitate drug offenders.

Mr. Ricky Stokes, resident of Houston County, also spoke in opposition of the bill. He stated the word, convict, has been used as the “buzz” word because that is what sells to the public because the county is doing this to the convicts and the people who break the law.

Mr. Stokes stated he pays \$10,440 per year for health insurance for his family. He reported there are a lot of cases where people are being forced to make choices as to whether or not they are going to have to give up something else in order to have health insurance. He reported those who cannot afford to have health insurance are having lawsuits filed against them, and they are the people who have to pay the increase in court costs.

He also stated those citizens who receive a speeding ticket will have to pay the increase in court costs. He reported it is not necessarily convicts or thugs that will have to pay the court costs. He stated there is a problem with Goody’s closing, Gilland’s Mitsubishi closed and moved, and Movie Gallery is moving and losing jobs. He stated according to Mr. Dempsey’s financial report, sales tax collection is down over the past two years by \$442, 928.00. Mr. Stokes stated people are not spending money. He reported there has been a 9.4% decrease in home sales. Mr. Stokes reported we are in a recession. He stated he knew Doug Valeska needed money, and the county needed money to handle the overcrowding of the jail. He reported for \$300,000 it could be solved through an out of the box approach. He stated it could be solved without the additional money. Mr. Stokes reported people cannot afford to keep paying. He pointed out a person did not have a choice if their number is stamped in the court system. Mr. Stokes reported he did not elect to pay the sanitation fees, electrical fees, sales taxes, property taxes, but he had no choice but to pay them and the increases continue. Mr. Stokes stated the public cannot afford to keep having to pay these increases. He asked the commission to hold off addressing the matter until the economy is better, and to vote against it.

Mrs. Linda Parrish, a resident of Dothan, spoke in favor of the increase in costs. She stated she had given a lot of thought to the bill. Mrs. Parrish reported she was a registered nurse and had taught nursing for 28 years. She stated no one was more compassionate to people than her. Mrs. Parrish stated she felt her students would tell anyone that. She pointed out she had done a lot to try to help give her students jobs and work with them so that they would not be on welfare or would not have to steal to survive. She stated she could see where the monies are deemed necessary to keep some vital organizations going. Mrs. Parrish pointed out everything has gone up and nobody else seems to care. She stated she had not seen anyone cutting back. Mrs. Parrish reported that she felt the additional \$20 may help to deter some crime. She stated the person who is going to have to pay that fee might be able to work with the person to keep them from committing a crime. She stated she was in support of the bill.

Mrs. Pat Jones, a spokesperson for VOCAL (Victims of Crime and Leniency), stated she knew what it is like dealing with victims. She reported crime has always been with the recession and without the recession. She stated people are going to do wrong and sometimes things are not done intentionally like a speeding ticket, etc. Mrs. Jones reported she felt the increase was

necessary to help with the jail and the overcrowding. Mrs. Jones stated some people are doomed to do wrong if that is their way of life. She reported she knew the DA's office needed the money to help. Mrs. Jones stated last week, it came out in the paper about the transporting of bodies for autopsies, and now it will probably be placed on the DA's office. Mrs. Jones asked on behalf of the DA's office and the jail for the increase. She stated from a victim's standpoint, she could see where it is needed.

Chairman Culver reminded everyone that in the budget the county is currently in that the commission's total budget is \$1 million or so less than last year's budget, and they eliminated 25 positions. He pointed out they did not put any major projects in the budget. Chairman Culver reported government typically continues to move forward and upward but to the Commission's credit they tried to address some of the issues by cutting. He reported next year's budget will be just as difficult. The chairman stated there is an issue there within the budget. Chairman Culver reported he agreed about getting people help; unfortunately, the state correctional system is not too focused on that. He stated Houston County has a very good Community Corrections Program and people that are placed in that program receive counseling and help and hopefully the intent is to reduce that recidivism. He reported a lot of the people who are assessed court costs and fines are not able to pay them. Chairman Culver reported according to the Circuit Clerk, they usually work out some type of payment plan over time that they pay after they have served their time. He stated he thought the victim's restitution comes first, and the court costs are to be paid thereafter. The chairman reported the times are tough and the commission does not relish having to pass anything on to anyone right now. Chairman Culver reported some of the speakers on Thursday, and in some of the copies of the letters the commission has the quote was "bad guys pay this." The chairman stated it is not always just the bad guys and it is some people who get traffic tickets and have to go to Small Claims and other things. He reported the thought is that the aggrieved party ends up paying the court costs. Chairman Culver reported if they are going to try to create revenue to help offset some of the costs. He stated when you look at some other types of creating revenue it is a broad brush, and that is not where the commission wanted to go. The chairman reported primarily, the commission did not want to pass on taxes, but at the same time, it is a difficult time. He stated this increase is more like a service fee and if you do the crime, then you will pay the fee.

Commissioner Snellgrove reported it was discussed in depth on Thursday, and he had spoken with Doug Valeska on several occasions and he did not feel it was a good time for the commission to be passing on any fees or taxes to anyone regardless of what the situation may be. He stated he would like to see the DA's office live within their means until maybe the recession is over and there is revenue coming in. Commissioner Snellgrove reported at this time, he was opposed to any new fees or taxes on anything.

Commissioner Harvey reported he has been opposed to this bill since day one. He stated this is a critical time with the economy. He stated he saw in the paper that 2.7 million jobs had been lost and it is still appreciating as of now. Commissioner Harvey reported this will create a hardship

on those who have to pay restitution, and now is not the time. He pointed out he was not an advocate for crime.

Chairman Culver called for the question; the vote was: YEAS: Commissioners Cook and Forrester NAYS: Commissioners Harvey and Snellgrove The Chairman voted YEA breaking the tie and the motion passed.

2. Request to extend agreement for an additional year between the City of Dothan and Houston County for Housing and Disposition of Animals.

Commissioner Harvey made a motion to approve the request to extend the agreement for an additional year between the City of Dothan and Houston County for the housing and disposition of animals. Commissioner Snellgrove seconded the motion. Chairman Culver stated he had seen where the city had the same request on their meeting agenda on January 13th. Chairman Culver called for the question; and the motion carried unanimously.

3. Request from MPO to adopt Resolution for the revised Transportation Planning Process Agreement.

Commissioner Cook made a motion to approve the request from the MPO to adopt the Resolution for the revised Transportation Planning Process Agreement. Commissioner Snellgrove seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see in Resolution Book)

4. Request to approve proposed Commission Meeting changes for 2009.

Commissioner Harvey made a motion to approve the proposed Commission Meeting changes for 2009. Commissioner Cook seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. (Please see attached in Minute Book)

5. Request to approve Policies and Procedures for CDBG.

Commissioner Cook made a motion to approve the Policies and Procedures for CDBG. Commissioner Harvey seconded the motion. Chairman Culver reported most of these are things the commission already abides by such as hiring, purchasing issues, etc.

Mr. Pool reported in the Method of Procurement if someone is bidding on something over \$15,000 it states you shall get three prices. He stated that sometimes that is hard, and with the word shall it means you have to start over because there is no leverage. Chairman Culver stated he thought shall means that you would ask for three prices and if someone sent a "No Price" that is a price. The chairman stated the commission was going to let the people who administer the project make the interpretation.

The chairman called for the question; and the motion carried unanimously.

6. Request to advertise Houston County's Building Permit Program.

Commissioner Cook made a motion to approve the request to advertise Houston County's Building Permit Program. Commissioner Snellgrove seconded the motion. Chairman Culver reported this is required advertising to get the program where it needs to be. The chairman called for the question; and the motion carried unanimously.

7. Request to approve budget amendment to transfer funds for the purchase of three (3) 8 cubic yard trash containers.

Commissioner Harvey made a motion to approve the budget amendment to transfer funds for the purchase of three (3) 8 cubic yard trash containers. Commissioner Cook seconded the motion. Chairman Culver reported this is no new money; just moving money from one place to another. The chairman called for the question; and the motion carried unanimously. (Please see attached Budget Amendment in Minute Book)

8. Request to sell 1997 Chevrolet Blazer on GovDeals for Tax Reappraisal Department.

Commissioner Cook made a motion to approve the request to sell a 1997 Chevrolet Blazer on GovDeals for the Tax Reappraisal Department. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously.

9. Request from the Sheriff to use a portion of the Courthouse basement for a fitness facility for law enforcement personnel.

Commissioner Harvey made a motion to approve the Sheriff's request to use a portion of the Courthouse basement for a fitness facility for law enforcement personnel. Commissioner Snellgrove seconded the motion. Chairman Culver stated there were some questions about it in the letter the commission had received in that it said Sheriff's Department employees. He stated the intent is for law enforcement personnel which includes correctional officers, but it would not be for all employees of the county. Commissioner Cook stated that answered the main question she had about law enforcement personnel using it. Commissioner Snellgrove asked about the equipment. Chairman Culver reported the Sheriff would provide the equipment. Mr. Sean Curtis reported according to the county's policy, the commission has to approve their keys, and he asked about the key cards? Sheriff Hughes stated he saw no need to issue the key cards. He stated his proposal would be for after hours, the employees to be buzzed in by Dispatch. He stated he would leave a key to the fitness center in Dispatch, and that way there would be no need for making cards for everyone. Chairman Culver called for the question; and the motion carried unanimously.

Staff Reports:

1. Chief Administrative Officer – there was none

2. County Engineer

Mr. Pool reported the traffic signal was to be put on flash at the intersection of Murphy Mill and Brannon Stand Road at 10:00 A.M. On January 20th, the traffic signal would be operational and the stop signs up, and it will be a stop and go light. Chairman Culver asked if it would be timed or strip sensitive? Mr. Pool stated both. He reported they had run the traffic counts and the City of Dothan was helping them set the timing. Commissioner Forrester asked when all the barriers would be removed the barrels, rails, etc.? Mr. Pool stated it would probably be January 20th. He reported they have to put a final stripe down. Mr. Pool stated it was almost complete and all the stuff would start coming out.

3. County Attorney – there was none

Commissioner Snellgrove reported there would be some road closings anywhere there was a rail crossing east of town. He stated they would be replacing cross ties and it would be in different locations from now until they complete the projects. He urged anyone traveling in those areas to be cautious. He stated he had seen on the news that Broadway would be closed this week. Chairman Culver asked Mr. Pool if he knew when the closings would be? The chairman asked if they were all county roads? It was stated yes. Chairman Culver asked that the Road & Bridge Department get the list up to the Commission office to send to the media in order to notify the public. Mr. Pool stated they work on one and when they get through they go to the next one. He stated there will not be a list showing all of them it will just be as they go along.

Chairman Culver asked Mr. Pool to comment on the enhancements on the Brannon Stand Road Bridge. Mr. Pool stated it had settled some and they had fixed it. He reported there is a lot of traffic on the road.

Adjourn.

Commissioner Harvey made a motion to adjourn. Commissioner Cook seconded; and the motion carried unanimously.

